

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA AIKEN
DIVISION**

STATE OF SOUTH CAROLINA)	
)	
SOUTH CAROLINA DEPARTMENT OF)	
HEALTH AND ENVIRONMENTAL CONTROL)	
and)	
SAVANNAH RIVER MARITIME)	
COMMISSION)	
and)	C/A No. <u>1:19-cv-3132-RMG</u>
)	
AUGUSTA, GEORGIA)	
)	
Plaintiff-Intervenor Applicant)	
v.)	
)	
UNITED STATES ARMY CORPS OF)	
ENGINEERS;)	
)	
UNITED STATES ARMY CORPS OF)	
ENGINEERS, SAVANNAH DISTRICT;)	
)	
RYAN MCCARTHY, in his official capacity as)	
Secretary of the Army;)	
)	
LT. GENERAL TODD T. SEMONITE, in his)	
official capacity as Commanding General and)	
Chief of Engineers, U.S. Army Corps of Engineers)	
)	
MAJOR GENERAL DIANA M. HOLLAND, in)	
her official capacity as Commanding General,)	
South Atlantic Division, U.S. Army Corps of)	
Engineers;)	
)	
and)	
)	
COLONEL DANIEL H. HIBNER, in his)	
official capacity as District Engineer, U.S.)	
Army Corps of Engineers, Savannah District,)	
)	
Defendants.)	

AUGUSTA, GEORGIA’S MOTION FOR LEAVE TO INTERVENE

COMES NOW, Augusta, Georgia hereby files this Motion for Leave to Intervene as Plaintiff in the above-styled cause and states:

1. Augusta-Richmond County meets all of the requirements for intervention as of right under Rule 24(a) of the Federal Rules of Civil Procedure. Augusta-Richmond County's motion for intervention is timely filed, and intervention will not unduly delay or prejudice the rights of existing parties; Augusta has a clearly defined interest in the property and transactions forming the subject matter of the above-styled action; disposition of this action may impede or impair Augusta's ability to protect its interests; and Augusta interests are not adequately represented by the existing parties to this case.

2. In the alternative, Augusta is entitled to permissive intervention under Rule 24(b) of the Federal Rules of Civil Procedure. Augusta Motion for Intervention is timely filed; Augusta intervention will not prejudice the rights of existing parties; and Augusta's claims and the main action have common questions of law and fact. In support of the foregoing Motion, Augusta relies on its Complaint in Intervention, which is attached hereto as Exhibit "1".

WHEREFORE, based on the foregoing, Augusta respectfully requests that this Court grant its Motion for Leave to Intervene.

Respectfully submitted this 6th day of December, 2019

BARNWELL, WHALEY, PATTERSON, AND
HELMS, LLC

By: s/ John W. Fletcher

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